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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,863	03/12/1999	HIROSHI TSUDA	826.1540/JDH	6336

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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/266,863

Applicant(s)  
TSUDA

Examiner  
Patrick N. Edouard

Art Unit  
2654



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 15, 16 and 17, the limitation “generating means for generating directory ...and the associative relation as links” is vague and indefinite. It is not clear whether this limitation means the hierarchical and the associative relation are linked or whether the hierarchical relation is linked to the directory information or the associative relation is linked to the directory information.

As per claims 6, 9 and 10, the limitation “from the outside” is vague and indefinite.

As per claim 12, the limitation “old keywords” is vague and indefinite and lacks clear antecedent basis.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, and 10-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hattori (5,761,498).

As per claims 1 and 15-17, Hattori teaches a document organizing apparatus for organizing a group of documents based on keywords comprising:

relations extracting means for extracting a hierarchical relation and an associative relation between given keywords”(figure 3, col. 11, lines 30-60); and

“Generating means for generating directory information for accessing the group of documents with the hierarchical and the associative relation as links”( col. 14, lines 31-48, col. 20, lines 11-52); and

“outputting means for outputting the directory information”(col. 20, lines 53-62).

As per claim 2, Hattori teaches wherein said relation extracting means includes: rule extracting means for extracting an association rule containing a pair of keywords from the given keywords” (col. 11, lines 30-60 and col. 14, line 30 to col. 15, line 45); and rule evaluating means for evaluating the association and assigning one of the hierarchical ...to the pair of keywords”(col. 17, line 64 to col. 19, line 66).

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As per claims 11-13, Hattori teaches means for inputting a given hierarchical relation between keywords” (col. 19, lines 27-66); and

“ wherein generating means generates directory information using the hierarchical relation” ( col. 20, lines 1-62).

As per claim 10, Hattori teaches means for deleting a keyword based on an unnecessary word list (col. 17, lines 25-41).

As per claim 14, Hattori teaches keyword searching means ; document searching means and wherein a user obtains document information using said keyword searching means and said document searching means (abstract, figure 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (5,761,496) in view of Ito et al (6,173,251).

As per claims 3 and 4, It is noted that Hattori teaches the claimed invention but does not explicitly teach Hattori teaches wherein said rule extracting means extracts a pair of keywords

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with a high occurrence frequency as the association rule” and “wherein said rule evaluating means assigns a relation of the extracted pair of keywords thereto based on the occurrence frequency .

However, these features are well known in the art as evidenced by Ito et al who teach a keyword extraction comprising a frequency totalizing process in figures 49-51. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to incorporate into information retrieval of Hattori the frequency totalizing as taught by Ito et al because it would provide a keyword extraction for high-speed document retrieval without increasing the number of combinations of different expressions of compound words serving as retrieval keys.

As per claims 5 and 6, Ito et al teach wherein said relation extracting means divides one of the given keywords into character sub-strings and extracts an inclusion relation between the given keywords and the character sub-string as the hierarchical relation ( col. 15, lines 13 to col. 16, lines 42).

As per claim 9, Ito et al teach means for adding an equivalent relation between keywords based on a synonym... (figure 65 and 66).

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (5,761,496) in view of Agrawal et al (6,233,575).

It is noted that Hattori teaches the claimed invention but does not explicitly teach wherein said generating means generates a hypertext index having at least one of a path from a top

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category to a directory. However, Agrawal et al teach a system for organizing, classifying and indexing information by topics such as text and hypertext documents. Therefore, one having ordinary skill in the art at the time the invention was made would have it obvious to generate an hypertext index as taught by Agrawal in the retrieval system of Hattori because it would provide efficient and reliable of a database of information such as hypertext documents into a topic hierarchy with the purpose of facilitating , searching and filtering of documents as per the user's information

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington. VA.,Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.-6:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

The facsimile phone number for this Art Unit is (703) 305-9508. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

March 15, 2003



**PATRICK N. EDOUARD**  
**PATENT EXAMINER**